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it would seem "that the convention is a regular organ of the state (although as a rule called only at long intervals)—neither sovereign nor subordinate to the legislature, but independent within its proper sphere. Under this view the legislature cannot bind the convention as to what shall be placed in the constitution, or as to the exercise of its duties." (See pp. 80-84.) In this connection the interesting but unconvincing experience of Michigan, in regard to her recent constitutional convention, is referred to.²

Chapter IV. is devoted to a somewhat detailed discussion of the successive steps in the amendment of state constitutions. The final chapter is an interesting discussion of the "working of the constitutional referendum." The author states that during the decade, 1899-1908, four hundred and seventy-two constitutional questions were submitted to the voters of the several states. (p. 268.) Of these fifty-one were submitted in California, twenty-two in Michigan. In Massachusetts only fifty-nine constitutional changes were proposed during the long period 1780-1907. The trivial character of many of these constitutional proposals is shown by a few examples. The showing as to the absence of public discussion and the smallness of the popular vote, pp. 274-278, should give pause to the ardent advocates of direct legislation by the people.

Tabulated statements concerning these proposals, including statistics as to the votes by which they were adopted or rejected appear in the Appendix. It is significant and disquieting to learn that in the large majority of these submissions to the people less than half of those voting at the general election, were interested to vote upon the proposed constitutional changes. The author's deductions from these facts would have been interesting, but the data are there, and the information they afford should be given wide circulation.

One might quarrel with Dr. Dodd as to his failure to discuss some topics pertinent to the general subject, and differ from his judgment as to the relative amounts of treatment accorded to certain other topics. But the book is nevertheless an accurate, scholarly piece of work and distinctly an important and timely contribution to a subject of vital interest.

H. M. B.

A PHILADELPHIA LAWYER IN THE LONDON COURTS. By Thomas Leaming. New York: Henry Holt and Company, 1911, pp. xiii, 199.

As is stated in the preface of this book, most Americans, even American lawyers, know comparatively little of the details of the elaborate English system of judicial administration: its abstract reasonings and results are known—the decisions of the English courts are watched and freely cited by our attorneys in our courts—but of the personal side of that venerable system—how it works, and who works it—most Americans are ignorant. We know generally that the fundamental basis on which litigation is conducted in England is the same as with us, we see from the English reports that in most in-

² *Carton v. Secretary of State*, 151 Mich. 337.

stances the result of litigation in their courts is about what it would be in ours, we are often told that the English courts are greatly superior to ours in effectiveness in some matters, because of some reforms that have been adopted in England and should be adopted in America. But the methods of courts and lawyers, the differences in the technique of the profession, and especially the organization of and the distinctions between the two branches of the legal profession in England—barristers and solicitors—are generally very hazy in the American lawyer's mind.

Nor is it particularly strange that exact information on these points is lacking. The English reports do not enlighten us as to these details, any more than our reports would inform our British cousins as to the homely, but perhaps interesting, details of the daily life and customs of our lawyers; English works on practice and English legal biographies and reminiscences, many of which are well known to our bar, are of course written for English readers, and always presuppose a knowledge of the very things which an American reader might like to learn. The subject has, it is true, been treated by some American writers, notably by Judge Dillon in the introductory lectures of his course on *The Laws and Jurisprudence of England and America* delivered at Yale University in 1891-92, and there have been several fragmentary and somewhat desultory articles in various magazines. But this reader knows of no American work, before the appearance of Mr. Leaming's book, which attempts seriously to discuss the very things that are of most interest, though perhaps not of most importance, in the structure and function of that splendid and famous body of gifted men—largely sacerdotal in form and in spirit, as behooves the successors of the early clerical lawyers—which carries on the legal work of England.

Mr. Leaming gives a very interesting and readable account of the education of barristers and solicitors, and of their relations to each other and to the solicitors' clients, touching on many matters not usually found in books—the fees of barristers and of solicitors, the rules governing the costumes of judges and barristers, the rules of precedence between "Specials," "Leaders," "Juniors," and "Devils," the methods of disciplining members of the bar for various breaches of professional tradition and probity, the practice before masters, and the relations between solicitors and barristers in different cities. But perhaps the most interesting part of the book is the author's observations on the actual practice in the various courts; this part of the book is full of illuminating bits of description and narration, quotations of colloquies between barrister and witness, and notably a powerful and graphic account of the trial, conviction, and sentence of Dhangra, the Hindu murderer of Sir Curzon Wylie. In these chapters of his book Mr. Leaming appears at his best; the lawyer's keen eye seems to pick out of the picture the one thing which is most important and interesting, and his facile pen sets it down concisely and unmistakably. It may be added that a half-dozen illustrations by the author add considerably to the interest and charm of the book. On the whole, it is by far the best treatment of the subject that this reader has ever seen, and it is rather difficult to imagine a better one.